

DR JOHAN CHARILAOU

Protection of Personal Information (POPI) and Promotion of  
Access to Information (PAIA) Manual

Mediclinic Cape Gate  
Suite 609  
Cnr Okavango Road & Tanner Drive  
Cape Town

**Contents:**

1. Introduction
2. Company contacts details
3. Company records
  - 3.1. Company records
  - 3.2. Company records classification key.
4. The information Officer
5. Processing of personal information
  - 5.1. The purpose of processing of personal information
  - 5.2. Categories of data subjects and personal information processed.
  - 5.3. Recipients or categories of recipients with whom personal information is shared.
  - 5.4. Information Security measures to protect personal information.
  - 5.5. Trans border flow flows of personal information
  - 5.6. Personal information received from third parties.
6. Prescribed request forms and fees
  - 6.1. Form of request
  - 6.2. Prescribed fees
  - 6.3. Access to prescribed forms and fees.
7. Remedies

## **1. Introduction**

Dr Johan Charilaou practices as a private Specialist Orthopaedic Surgery practice, which operates in accordance with the Health Professions Act 56 of 1974 and subject to the provisions of the Health Professional Council of South Africa (HPCSA).

Dr Johan Charilaou is registered with the HPCSA and provides services within the scope of registration, training, and experience. Dr Johan Charilaou is bound by the Ethical Rules of the HPCSA including preserving patient confidentiality.

The Promotion of Access to Information Manual "Manual" provides an outline of the type of records and the personal information it holds and explains how to submit requests to access to these records in terms of the Promotion of Personal Information Act 2 of 2000 ("PAIA Act"). In addition it explains how to access or object to personal information held by the company, or request correction of the personal information, in terms of the Protection of Personal Information Act 4 of 2013 ("POPI Act").

The PAIA and POPI Acts give effect to everyone's constitutional right of access to information held by companies, if the record is required for the exercise or protection of any rights.

Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and Tariff are dealt with in section 5.

This manual is available and may be requested at reception or on [admin@capeortho.co.za](mailto:admin@capeortho.co.za)

## **2. Company Contact details**

Dr Johan Charilaou  
Mediclinic Cape Gate  
Suite 609  
Cnr Okavango Drive & Tanner Street  
Brackenfell  
7560

Contact number:  
021 100 3840

Practice number:  
0813737

Information Officer:

Dr Johan Charilaou  
[admin@capeortho.co.za](mailto:admin@capeortho.co.za)

### 3. Company Records

#### 3.1 Company Records availability

<b>Departmental records</b>	<b>Subject</b>
Financial Records	Accounting records Annual Financial Report Annual Financial Statements Asset Registers Bank Statements Banking details and Bank accounts Banking records Debtors/creditors statements and invoices General ledger and subsidiary ledgers Invoices Tax returns
Income Tax Records	PAYE records & IRP5 VAT SDL & UIF Workmen's Compensation
Personnel	Address lists Disciplinary records Employment contracts Grievance procedures Leave records. Payroll register Salary records Training records
Procurement	Standard terms and conditions for supply of services and products Contractor and client agreements List of suppliers, products, services, and distribution.
Marketing and Communications	Events Emails
Patients	Patient records Patient forms Payment related records and correspondence
IT department	Computer usage policy documentation Information security policies Software licenses System documentation and manuals

#### 3.2 Description of records available in accordance with any other legislation

- 3.2.1 Basic Conditions of Employment Act, No 75 of 1997.
- 3.2.2 Broad- Based Black Economic Empowerment Act, No 75 of 1997.
- 3.2.3 Children's Act 38 of 2005.

- 3.2.4 Companies Act, No 71 of 2008.
- 3.2.5 Compensation for Occupational Injuries & Diseases Act, 130 of 1993.
- 3.2.6 Consumer Protection Act 68 of 2008.
- 3.2.7 Constitution of the Republic of South Africa 2008; of 2005.
- 3.2.8 Employment Equity Act, No 55 of 1998.
- 3.2.9 Financial Intelligence Centre Act, No 38 of 2001.
- 3.2.10 Health Professions Act 56 of 1974
- 3.2.11 Income Tax Act, No 58 of 1962.
- 3.2.12 Labour Relations Act, No 66 of 1995.
- 3.2.13 Medical Schemes Act 131 of 1998.
- 3.2.14 Medicines and Related Substances Act 101 of 1965.
- 3.2.15 National Health Act 61 of 2003.
- 3.2.16 Occupational Health & Safety Act, No 85 of 1993.
- 3.2.17 Promotion of Access to Information Act, No 2 of 2000.
- 3.2.18 Protection of Personal Information Act, No. 4 of 2013.
- 3.2.19 Road Accident Fund Act 56 of 1996.
- 3.2.20 Skills Development Levies Act No. 9 of 1999.
- 3.2.21 Unemployment Insurance Contributions Act 4 of 2002.
- 3.2.22 Unemployment Insurance Act No. 30 of 1966.

#### **4 The information officers.**

- 4.1 The Information Officer [Section 51(1)(b)] 5.1. The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information.
- 4.2 The head of a private body fulfils such a function in terms of section 51.
- 4.3 Dr Johan Charilaou has appointed an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.
- 4.4 The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.
- 4.5 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013.
- 4.6 This is in order to render Dr Johan Charilaou as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013.
- 4.7 All request for information in terms of this Act must be addressed to the Information Officer, see section 2 above.

## 5 Processing of personal information

Dr Johan Charilaou takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African privacy policy. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any personal information processed by Dr Johan Charilaou.

### 5.1 The purpose of processing information

- 5.1.1 We process personal information for a variety of purposes, including but not limited to the following:
- 5.1.1.1 to conduct and manage the practice in accordance with the law, including the administration of the practice and claiming and collecting payment for services rendered from relevant funders, patients and/or responsible persons / entities.
  - 5.1.1.2 for treatment and care of patients.
  - 5.1.1.3 for communication purposes.
  - 5.1.1.4 for the maintenance of practice records and patients' medical records.
  - 5.1.1.5 for employment and related matters of employees and other practitioners.
  - 5.1.1.6 for reporting to persons and bodies, including referring practitioners, as required, and authorised in terms of the law or by the data subjects.
  - 5.1.1.7 for historical, statistical and research purposes.
  - 5.1.1.8 for clinical trials / research studies.
  - 5.1.1.9 for enforcement of the practice's rights; and/or
  - 5.1.1.10 for any other lawful purpose related to the activities of the practice.

### 5.2 Categories of data subjects and personal information processed.

<b>PURPOSE / ACTIVITY</b>	<b>TYPE OF DATA</b>	<b>LAWFUL BASIS FOR PROCESSING</b>
To engage with you after you have contacted us	Identity Contract Marketing & Communications	Express consent Performance of Contract with you Necessary to comply with legitimate interests
To provide you with our services as contracted	Identity Contact Financial Transactional Profile Usage	Express consent Performance of Contract with you Necessary to comply with legitimate interests Necessary to comply with legal obligation
To contract with you as a service provider	Identity Contact Financial Transactional	Express consent Performance of Contract with you Necessary to comply with legitimate interests Necessary to comply with legal obligation
To allow you to use the website or participate in a company event (where applicable)	Identity Contact Technical Usage	Performance of a contract with you Express consent

To provide it to our authorised third-party service providers who need your personal data to provide their private services to you (medical aid providers)	Identity Contact Financial Transactional	Express consent Performance of Contract with you Necessary to comply with legitimate interests
To manage payments, fees, and charges	Identity Contact Financial Transactional	Express consent Performance of Contract with you Necessary to comply with legitimate interests
To Manage our relationship with you which may include notifying you about changes to our terms or Privacy Policy or Services	Identity Contact Technical Usage	Express consent Performance of Contract with you Necessary to comply with legitimate interests Necessary to comply with legal obligation
To administer and protect our organisation and our website	Identity Contact Technical Usage	Express consent Necessary to comply with legitimate interests Necessary to comply with legal obligation
To use data analytics to improve our services, engagement relationships and experiences	Contact Technical Usage	Express consent Necessary to comply with legitimate interests
To provide you with direct and user-specific marketing, make suggestions and recommendations to you about events or services that may be of interest to you	Identity Contact Financial Transactional Profile	Express consent Necessary to comply with legitimate interests

### 5.3 Recipients or categories of recipients with whom personal information is shared.

5.3.1 We may share the personal information of our data subjects for any of the purposes outlined in Section 5.1, with: the following:

5.3.1.1 our carefully selected business partners who provide products and services under one of our brands; and

5.3.1.2 our service providers and agents who perform services on our behalf.

5.3.2 We do not share personal information of our data subjects with any third parties, except if:

5.3.2.1 we are obliged to provide such information for legal or regulatory purposes.

5.3.2.2 we are required to do so for purposes of existing or future legal proceedings,

5.3.2.3 we are selling one or more of our businesses to someone to whom we may transfer our rights under any customer agreement we have with you.

5.3.2.4 we are involved in the prevention of fraud, loss, bribery, or corruption.

5.3.2.5 they perform services and process personal information on our behalf.

5.3.2.6 this is required to provide or manage any information, products and/or services to data subjects; or

5.3.2.7 needed to help us improve the quality of our products and services.

5.3.3 We will send our data subjects notifications or communications if we are obliged by law, or in terms of our contractual relationship with them.

- 5.3.4 We will only disclose personal information to government authorities if we are required to do so by law.
- 5.3.5 Our employees and our suppliers are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

#### **5.4 Information security measures to protect personal information.**

- 5.4.1 Reasonable technical and organisational measures have been implemented for the protection of personal information processed by Dr Johan Charilaou. In terms of the POPI Act, operators are third parties that process personal information on behalf of Dr Johan Charilaou.
- 5.4.2 We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or wilful manipulation, loss, or destruction.
- 5.4.3 We will take steps to ensure that operators that process personal information on behalf of Dr Johan Charilaou apply adequate safeguards as outlined above.
- 5.4.4 Only those practitioners and employees that require access to the information to treat patients and discharge their functions are permitted access to the relevant information and only if they have concluded agreements with or provided undertakings to the practice requiring them to implement appropriate security measures and to maintain the confidentiality of the information.

#### **5.5 Trans-border flows of personal information**

- 5.5.1 We will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.
- 5.5.2 We will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of the POPI Act.
- 5.5.3 We will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section 4.4.

#### **5.6 Personal information received from third parties.**

- 5.6.1 When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject, that they are aware of the contents of this PAIA manual and the Dr Johan Charilaou Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.



## 6 Prescribed request forms and fees

### 6.1 Form of request

6.1.1 To facilitate the processing of your request, kindly:

6.1.1.1 Use the prescribed form.

6.1.1.2 Address your request to the Information Officer.

6.1.1.3 Provide sufficient detail to enable the Company to identify:

6.1.1.3.1 The record(s) requested.

6.1.1.3.2 The requestor (and, if an agent is lodging the request, proof of capacity).

6.1.1.3.3 The email address of the requestor.

6.1.1.3.4 The form of access required.

6.1.1.3.5 The email address of the requestor.

6.1.1.3.6 If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.

6.1.1.3.7 The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

### 6.2 Prescribed fees

6.2.1 The following applies to requests (other than personal requests):

6.2.1.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.

6.2.1.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).

6.2.1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

6.2.1.4 Records may be withheld until the fees have been paid.

6.2.1.5 The detailed Fee Structure is available at reception on [admin@orthocape.co.za](mailto:admin@orthocape.co.za).

### 6.3 Access to prescribed forms and fees.

6.3.1 Prescribed forms and fees are published, copies can be requested reception, and Compliance Officer (see contact details in section 2).

## 7 Remedies

7.1 The company does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorised persons in section 2, is final.

7.2 If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

The Information Regulator (South Africa)  
SALU Building,  
Hoofd Street, Forum III, 3rd Floor  
Braampark  
P.O. Box 31533

Tel No. +27 (0) 10 023 5207  
Cell No. +27 (0) 82 746 4173  
infoereg@justice.gov.za